

EXHIBIT B

From: [Molly Biklen](#)
To: [Robinson, Amy \(LAW\)](#); ["Bull, Gina"](#); [NYC Law Protest Team](#)
Cc: [AG-NYPDLitigation](#); [Payne Litigation Team](#); [rolonlegalteam.](#); [Gray Legal Team-External](#); [Lalit Loomba](#); [Steven Bushnell](#); [SMcQuade@pittalaw.com](#); [Andrew Quinn](#); [PBALitigationTeam@schlamstone.com](#); [Coles, Anthony P.](#)
Subject: RE: NYC Protest Lit: Depositions still to be Scheduled
Date: Thursday, May 25, 2023 12:03:00 PM

Amy,

We have suggested several ways to fit in Chief Lehr's deposition before his pending medical procedure but given Defendants' inability to confirm a date for the week of June 19 and unwillingness to schedule on any of the seven days we have offered June 6 through June 14, we are at an impasse. Accordingly, we will move the court for a date.

Regards,
Molly

Molly K. Biklen

Deputy Legal Director

Pronouns: she, her

New York Civil Liberties Union

125 Broad St., Fl. 19, New York, NY 10004

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From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>

Sent: Thursday, May 25, 2023 5:31 AM

To: Molly Biklen <mbiklen@nyclu.org>; 'Bull, Gina' <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: RE: NYC Protest Lit: Depositions still to be Scheduled

Molly,

As I emailed to Gina, Chief Lehr's availability for the week of June 19 cannot be confirmed at this time, because he will be in recovery and has post-operative medical appointments that week. His scheduling has nothing to do with the withdrawal of PO Ternas as the witnesses have different defending attorneys.

Regards,
Amy

Amy Robinson
Senior Counsel
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From: Molly Biklen <mbiklen@nyclu.org>
Sent: Wednesday, May 24, 2023 8:43 AM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; 'Bull, Gina' <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigtationTeam@schlamstone.com <PBALitigtationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Amy,

Your email states that you cannot produce Chief Lehr before his planned surgery on June 15 on any of the dates proposed by Plaintiffs, even with the cancellation of the Ternas deposition. Can Defendants make a firm commitment that he will be available the week of June 19 or will he still be in recovery?

Thank you,
Molly

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>

Sent: Wednesday, May 24, 2023 8:30 AM

To: 'Bull, Gina' <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPD Litigation <AG.NYDPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: RE: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

Gina,

-DCLM Hart is now scheduled for June 22.

-Chief Hughes is now scheduled for June 20

-Insp. Nikas will be going on one of the dates proposed. I am still trying to coordinate with union counsel. I should know by today which date works. I am in a full day deposition today, but will get back to you on this.

-We have not received DI Kanganis' availability for the continued deposition as of yet. We are waiting to hear back from NYPD as to any further designee.

-We believe that we can produce Chief Conroy's texts by June 16.

For all of the reason set forth in my email dated May 19, Lehr is not available on the dates proposed.

Regards,

Amy

From: Bull, Gina <Gina.Bull@ag.ny.gov>

Sent: Tuesday, May 23, 2023 11:04 AM

To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPD Litigation <AG.NYDPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

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Amy,

I just tried to call you. Please provide any response no later than Wednesday at 12 pm. We cannot

wait any longer than that to bring this issue before the Court. We've been asking about these depositions for weeks now so you should have a better sense of these witnesses' availability.

In my last email I did not provide any proposed days for the additional Topic 20/21 witness that you mentioned you may designate in our meet-and-confer because Defendants did not identify any additional witnesses by Friday. To the extent you are designating an additional witness for those topics, please identify that witness, the subtopics, and two dates of availability prior to June 16th. If the witness is absolutely not available before June 16th, please provide the reason and one of the dates we proposed for DI Kanganis the week of June 19th.

Thanks,
Gina

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Sent: Monday, May 22, 2023 8:18 PM
To: Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
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Gina,

We will be able to respond on Wednesday on the offered dates.

Regards,
Amy

Amy Robinson
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From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Monday, May 22, 2023 1:00 PM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; NYC Law Protest Team

<NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>

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Amy,

In light of your response, we plan on moving to compel firm dates for the outstanding depositions. In a last ditch effort to get this resolved, we can offer the following dates for each of the deponents the week of June 19th. Please confirm **by 1 PM tomorrow** whether you commit to a 490 Order to lock these dates in. Separately, we are withdrawing the notice for Ternas and are considering withdrawing the notice for Brian Conroy. As to the latter, if Defendants can similarly commit to produce the text messages for Conroy by June 16, we can confirm our withdrawal of that notice.

Further, given Chief Lehr's surgery and the possibility of recovery that will be needed, scheduling him after that risks pushing his deposition far into the future and would highly prejudice the Plaintiffs. Given the withdrawal of the Ternas deposition, we propose that he is rescheduled for that day.

Hart: June 22 as previously proposed
Kanganis: June 20, 21 or 23
Hughes: June 6, 9, 20, 21, 22, or 23
Nikas: June 20, 21, 22 or 23
Lehr: June 6-9

Best,
Gina

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>

Sent: Friday, May 19, 2023 9:37 PM

To: Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: RE: NYC Protest Lit: Depositions still to be Scheduled

Gina,

Following yesterday's meet and confer with respect to the rescheduling of certain depositions, defendants respond as follows:

Plaintiffs cancelled Chief Lehr's deposition for a non-emergent reason three days before his deposition after he was prepared and ready to be deposed. Nonetheless, defendants offered two additional dates for his deposition, May 30 and 31, which plaintiffs rejected. Due to both a medical procedure that the Chief is undergoing, recovery from the procedure and conflicts with the defending attorney's other witness preparation sessions and depositions, Chief Lehr is not available for deposition before June 16.

Plaintiffs cancelled Chief Hughes' deposition for a non-emergent reason less than three days before his deposition after he was prepared and ready to be deposed. Due to conflicts with the defending attorney's other witness preparation sessions and depositions, Chief Hughes is not available for deposition before June 16. In an effort to be accommodating, defendants inquired if his scheduled deposition in less than a week in another matter could be cancelled so that plaintiffs could depose Chief Hughes on that date. Due to the discovery deadline in that case, however, Chief Hughes' deposition cannot be cancelled to accommodate plaintiffs in the consolidated cases.

Plaintiffs cancelled Inspector Nikas' deposition for a non-emergent reason less than two days before his deposition after he was prepared and ready to be deposed. Defendants have thus far been unable to coordinate the schedules of the witness, the defending attorney and union counsel for a deposition to take place before June 16.

Defendants are unable to schedule retired Deputy Inspector Kanganis' continued deposition before June 16 due to the witness's work commitments prior to that date.

Although plaintiffs made it clear during the meet and confer yesterday of their position that only defendants are precluded from cancelling depositions for non-emergent reasons, defendants request that plaintiffs reconsider their position and that an agreement among the parties to the rescheduling of Chief Baker's deposition can be reached. Peter Scutero has responded to Lillian's email regarding the scheduling of this deposition.

Regards,
Amy

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From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Tuesday, May 16, 2023 10:10 AM
To: Robinson, Amy (LAW) <arobinso@law.nyc.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPD Litigation <AG.NYDPLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rOLONlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: [EXTERNAL] RE: NYC Protest Lit: Depositions still to be Scheduled

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Hi Amy,

Thank you for the confirmations. As you know, “defendants shall not cancel a high-level deponent, including a Rule 30(b)(6) witness, unless in case of an emergent situation.” ECF No. 921. We will keep Monday’s deposition date for Chief Baker unless you can identify an emergent situation that requires the cancellation. Please identify the reason for the cancellation by noon today.

As you are unable to provide dates for Nikas, Chief Hughes, and the continued deposition of DI Kanganis, we would like to meet and confer on this issue ASAP. Please let us know what times you are available in the below windows:

Today, 2-3, 4-5pm
Wednesday, 2-3 pm
Thursday, 9-10am, 11am-2pm

For Chief Lehr, May 30 and 31 unfortunately do not work—the attorney deposing him is out that week. Since this deposition was rescheduled due to the defendants’ error regarding Chief Lehr’s texts, and since it sounds like Chief Lehr himself is available during the proposed dates of June 6, 7, 8, and 9, would it be possible to make any of those dates work, or any date the following week? If we are unable to agree on any of the proposed dates for Chief Lehr, we would like to discuss that during the meet and confer proposed above.

Best,
Gina

From: Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Sent: Monday, May 15, 2023 7:29 PM
To: Bull, Gina <Gina.Bull@ag.ny.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com; Coles, Anthony P. <anthony.coles@dlapiper.com>
Subject: NYC Protest Lit: Depositions still to be Scheduled

Gina,

- Chief Lehr can be rescheduled to May 31 preferred or May 30 as an alternate. His defending attorney is not available the first week in June. The Chief is not available the second week in June.
- Sgt. Wohl is confirmed for June 16.
- Sgt. Saturnin is confirmed for May 30 and May 31.
- Officer McCloud is confirmed for June 8.
- We are working with NYPD to obtain new dates for the continued deposition pertaining to Topics 20 and 21.
- As the dates offered for Insp. Nikas and Chief Hughes were rejected, we are working with these witnesses to get dates that will fit into the schedule.
- Additionally, we need to reschedule Chief Baker and will be providing new dates shortly.

Regards,
Amy

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From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Thursday, May 11, 2023 3:47 PM
To: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Cc: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam . <rolonlegalteam@aboushi.com>; Gray Legal

Team-External <GrayLegalTeam@dwt.com>; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; SMcQuade@pittalaw.com <SMcQuade@pittalaw.com>; Andrew Quinn <aquinn@quinnlawny.com>; PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; Coles, Anthony P. <anthony.coles@dlapiper.com>

Subject: [EXTERNAL] NYC Protest Lit: Depositions still to be Scheduled

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Good afternoon counsel,

There are a number of depositions that still remain unscheduled. Below are dates on which Plaintiffs are available to take each deposition:

- Nikas: June 5 or 6
- Hughes fact day: June 5, 6, or 8
- Re-deposition of Kanganis: 5/18, 5/24, or 6/8
- Lehr: June 6, 7, 8 or 9 [Reminder to provide Lehr's texts in advance of this deposition.]
- Saturnin: May 30 and 31 [To double check - Amy has confirmed his availability for both these dates, subject to the Court's decision on the length of the deposition.]
- Wohl: June 12, 16, or 20 [The Court ordered Sgt. Wohl be scheduled between June 12 and 23 in Dkt. 977.]

Please confirm whether Defendants are available on any of the proposed dates **by Monday May 15th**. If you are not able to confirm dates for those depositions by Monday, please provide by Monday times you are available to meet and confer on this issue on Tuesday 5/16 and Wednesday 5/17.

Thank you,
Gina

Gina Bull | Assistant Attorney General & Special Assistant to the First Deputy

New York State Office of the Attorney General | Executive Division

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Pronouns: she/her/hers

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